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BASEL CONVENTION

Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Eleventh meeting
Geneva, 3–6 September 2018
Item 3 (c) (i) of the provisional agenda*

Matters related to the work programme of the Open-ended Working Group for 2018–2019: legal, governance and enforcement matters: consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance

Consultation with the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention

Note by the Secretariat

I. Introduction

1. In its decision BC-13/9, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal approved the work programme of the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention for the biennium 2018–2019 set out in the annex to that decision.

2. Among the activities of the work programme is the finalization of the following documents, including through consultation with the Open-ended Working Group, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting: guidance to improve the implementation of paragraph 11 of Article 6 of the Convention on insurance, bond and guarantee (UNEP/CHW.13/INF/24); the revised version of the Committee's guidance on improving national reporting (UNEP/CHW.13/INF/59) in the light of the revised reporting format adopted in decision BC-12/6 as amended by decision BC-13/9; the guide for the development of national legal frameworks to implement the Basel Convention (UNEP/CHW.13/INF/27); and the development of draft guidance on the implementation of paragraph 4 of Article 6 of the Convention, taking into account the report on the implementation of and compliance with paragraph 4 of Article 6 of the Basel Convention on transit transboundary movements (UNEP/CHW/CC.12/11/Add.1, annex), in particular its paragraphs 81–83.

* UNEP/CHW/OEWG.11/1.

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3. In the same decision, the Conference of the Parties invited Parties to submit comments on the revised version of the Committee's guidance on improving national reporting, the guide for the development of national legal frameworks to implement the Basel Convention and the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention to the Secretariat by 30 September 2017 for consideration by the Committee. In addition, the Conference of the Parties requested the Committee to consult Parties, in advance of the fourteenth meeting of the Conference of the Parties, on a draft work programme for 2020–2021.

4. In its decision BC-13/17, whereby it adopted the work programme of the Open-ended Working Group for the biennium 2018–2019, the Conference of the Parties, among other things, mandated the Open-ended Working Group to consult with the Committee on the finalization of the guidance to improve the implementation of paragraph 11 of Article 6 of the Convention and on other matters as decided by the Committee.

II. Implementation

5. The Secretariat received a financial contribution from the European Union that enabled it to retain a consultant to assist the Committee in undertaking activities of its work programme pertaining to the development of guidance.

6. Pursuant to the invitation set out in decision BC-13/9, Canada, Colombia, the European Union and its member States and Malaysia submitted comments on the draft guidance to improve the implementation of paragraph 11 of Article 6 of the Convention;[1] Colombia, the European Union and its member States and Malaysia submitted comments on the draft guidance on improving national reporting;[2] and Canada, the European Union and its member States and Malaysia submitted comments on the draft guide for the development of national legal frameworks to implement the Basel Convention.[3]

7. The revised draft guidance to improve the implementation of paragraph 11 of Article 6 of the Convention, developed by the Committee taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/25. The revised draft guidance on improving national reporting, developed by the Committee taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/26. The revised draft guide for the development of national legal frameworks to implement the Basel Convention, taking into account the comments received, is set out in document UNEP/CHW/OEWG.11/INF/27.

8. The Committee developed a first draft of guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements for consultation with the Open-ended Working Group, set out in document UNEP/CHW/OEWG.11/INF/28. A draft work programme for 2020–2021 for the Committee, also for consultation with the Open-ended Working Group, is set out in document UNEP/CHW/OEWG.11/INF/29.

III. Proposed action

9. The Open-ended Working Group may wish to adopt a decision along the following lines:

The Open-ended Working Group

1. *Welcomes* the work undertaken by the Committee Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the opportunity to be consulted in the context of the Committee's finalization of guidance to improve the implementation of paragraph 11 of Article 6 of the Convention,[4] the revised version of the Committee's guidance on improving national reporting,[5] the guide for the

[1] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Insurance,bondandguarantee/tabid/6123/Default.aspx.

[2] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Nationalreportingguidance/tabid/6124/Default.aspx.

[3] The comments are available at http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201819/Nationallegislation/tabid/6141/Default.aspx.

[4] UNEP/CHW/OEWG.11/INF/25.

[5] UNEP/CHW/OEWG.11/INF/26.

development of national legal frameworks to implement the Basel Convention,[6] the development of guidance on the implementation of paragraph 4 of Article 6 of the Convention on transit transboundary movements[7] and the development of the draft work programme of the Committee for 2020–2021;[8]

2. *Invites* the Committee to finalize the documents referred to in paragraph 1 above by 31 October 2018, taking into account the outcome of its consultations with the eleventh meeting of the Open-ended Working Group, for consideration and possible adoption by the Conference of the Parties at its fourteenth meeting.

[6] UNEP/CHW/OEWG.11/INF/27.

[7] UNEP/CHW/OEWG.11/INF/28.

[8] UNEP/CHW/OEWG.11/INF/29.